

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES <i>Ex Rel.</i>)	Case No. 1: 17 CV 2474
PRAM NGUYEN, <i>Pro Se</i>)	
)	
Plaintiff)	
)	JUDGE SOLOMON OLIVER, JR.
v.)	
)	
CITY OF CLEVELAND)	
)	
)	<u>MEMORANDUM OF OPINION</u>
Defendant)	<u>AND ORDER</u>

Pro Se Plaintiff Pram Nguyen has filed a complaint this matter against the City of Cleveland pursuant to the False Claims Act. He asserts he is re-filing his prior lawsuit against the City that this Court dismissed, pursuant to a written Memorandum of Opinion and Order, on April 12, 2017. *See Pram Nguyen Ex Rel. United States v. City of Cleveland*, Case No. 1: 17 CV 521. The Court dismissed the Plaintiff's prior action pursuant to *Apple v. Glenn*, 183 F.3d 477 (6th Cir. 1999), on the basis that the Plaintiff had already fully and fairly raised his claims in federal court and was barred from re-litigating those claims under principles of preclusion and *res judicata*. *See* Case No. 1: 17 CV 521, Doc. No. 2.

The Plaintiff appears to contend there is new evidence to "restore" his *qui tam* lawsuit. He has not, however, alleged discernible facts demonstrating new evidence in this case, or otherwise demonstrating he has any plausible claims.

Accordingly, this action – like the Plaintiff’s prior complaint – is summarily dismissed pursuant to the Court’s authority established in *Apple v. Glenn*. See *Apple*, 183 F.3d at 479 (authorizing *sua sponte* dismissal of any action for lack of subject-matter jurisdiction where it appears the allegations are “totally implausible, attenuated, unsubstantial, frivolous, devoid of merit, or no longer open to discussion”). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

/s/ Solomon Oliver, Jr.
SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

March 20, 2018